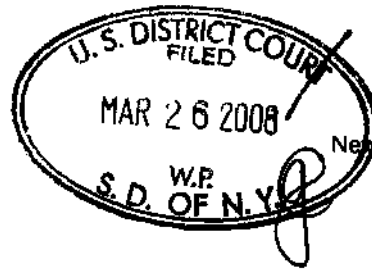


# ReedSmith

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March 25, 2008

## MEMO ENDORSED

VIA FACSIMILE - 914.390.4152

Honorable Kenneth M. Karas  
United States District Court Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

7

Re: Jimmy Barberan and Tatsiana Barberan, *pro se* v. Nationpoint *et al.*  
Civil Case No. 07 Civ. 11595 (KMK) (LMS)

Dear Judge Karas:

My firm represents Nationpoint, Nationpoint Loan Services ("NLS") and Mortgage Electronic Registration Systems, Inc. ("MERS"), in the above-referenced action. As this Court will recall, by letter to the Court, dated February 20, 2008, as well as the filing of relevant Rule 7.1 Statements, my firm appeared in this action on behalf of Nationpoint and NLS. At that time, the Court endorsed Nationpoint and NLS's time to respond to the Complaint until March 14, 2008. On March 13, 2008, pursuant to the Court's individual rules, I wrote the Court a letter requesting a pre-motion conference regarding an anticipated motion to dismiss the complaint on behalf of Nationpoint and NLS and set forth the basis for making such a motion.

On Thursday, March 20, 2008, I received a call from Douglas Goldberg from the Law office of Craig Curcio explaining that his office had been retained to represent the defendants in the above-reference action and that on March 6, 2008, his office answered the complaint. I was not aware of Mr. Goldberg's actions and Mr. Goldberg was not aware that my firm had already appeared in this action. Upon inquiry with the client, the present situation is the result of some confusion with my clients as to who was responsible for retaining counsel. Consequently, two sets of counsel appeared herein. Nationpoint, NLS and MERS have now clarified that they would like my firm to continue with their representation in this matter. I will coordinate with Mr. Goldberg to have his office withdrawn as counsel in this matter and have Reed Smith LLP docketed as the counsel of record for Nationpoint, NLS and MERS. We apologize for this confusion.

As for the pending request for a pre-motion conference requested by Nationpoint and NLS, the grounds set forth therein apply equally to the claims as asserted against MERS, and all defendants

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*[Handwritten signature]*

Honorable Kenneth M. Karas  
March 25, 2008  
Page 2

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respectfully request a pre-motion conference, for the reasons set forth in my letter dated March 13, to discuss an anticipated motion to dismiss the complaint. In this regard, Nationpoint, NLS and MERS respectfully request permission to withdraw the answer filed by the Law office of Craig Curcio as my clients believe that, at this stage of the litigation, the parties' time and money, as well as the Court's time and resources will best be served by eliminating those claims that fail to state a claim upon which relief may be granted.

Respectfully submitted,

  
Scott S. McKessy

SSM/bt

cc: Jimmy and Tatsiana Barberan (via overnight delivery)  
Douglas Goldberg, Esq. (via electronic and regular mail)

The Court will hold a pre-motion conference on May 8, 2008, at 11:00. All deadlines are stayed until then. Plaintiff is to respond to Defendants' pre-motion letter by April 4, 2008.

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.

3/25/08